



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,674	11/21/2003	Joshua D. Hug	109905-130795	1315
60380	7590	08/09/2007	EXAMINER	
STEVEN C. STEWART REALNETWORKS, INC. 2601 ELLIOTT AVENUE, SUITE 1000 SEATTLE, WA 98121			JOHNSON, CARLTON	
			ART UNIT	PAPER NUMBER
			2136	
			MAIL DATE	DELIVERY MODE
			08/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

88

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/719,674	Applicant(s) HUG, JOSHUA D.	
	Examiner Carlton V. Johnson	Art Unit 2136	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; ~~as set forth in (b) above, if checked.~~ Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-60.

Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____

Continuation of 11. does NOT place the application in condition for allowance because: Response to After Final

1. Applicant argues clear text management of rights information.

The Nonaka prior art discloses the ability to store content in an unencrypted form or clear text form. (see Nonaka paragraph [0192], lines 1-5; paragraph [0239], lines 1-3: content data may be stored in an unencrypted (clear text) form, or it may be stored in an encrypted form) The Nonaka prior art discloses the capability for the storage of content data in both encrypted and unencrypted form. Any additional functions do not remove the fact that the referenced prior art discloses the storage of content in an unencrypted form.

2. Applicant argues device key.

The Nonaka prior art discloses an apparatus for encryption functions with cryptographic key capabilities and a license (device) key. (see Nonaka paragraph [0019], lines 7-11: data processing apparatus; paragraph [0339], lines 2-6: attached host CPU, client, apparatus, license (device) key) Applicant remarks mentions a unique key but the term "unique" does not appear anywhere within the specification or the original claims. There is no disclosure in the specification or the original claims that the device key is unique.

3. Applicant argues referenced prior art teaches away.

A prior art teaches away when it discredits, or discourages an particular embodiment of an invention. The Serret -Avila prior art discloses an embodiment where an entire file is transmitted to a client. Serret -Avila does not discredit the processing of an entire file. (see Serret-Avila col. 3, lines 23-27)


4. Applicant argues disabling content.

The Nonaka and Chase prior art combination discloses the capability for content data revocation (disabling) as presented within the claimed limitation. (see Chase col. 3, lines 60-63: usage request; col. 4, lines 10-16; col. 33, lines 54-56; col. 33, lines 60-63; col. 34, lines 4-9: content compromised, content disabled, access permitted only if content is not disabled) The Chase prior art is in an analogous field of endeavor, which is the field of content data access management and its protection based on access rights. Any additional functions do not remove the fact that the referenced prior art discloses the revocation or disabling of content data.

5. The examiner has considered the applicant's remarks concerning a system that processes rights information associated with content data stored at a client device by the generation of an encrypted integrity hash utilizing a client device key. Applicant's arguments have thus been fully analyzed and considered but they are not persuasive.

After an additional analysis of the applicant's invention, remarks, and a search of the available prior art, it was determined that the current set of prior art consisting of Nonaka (200300 46238), Serret-Avila (6,959,384), and Chase (7,080,043) discloses the applicant's invention including disclosures in Remarks dated July 25, 2007.

NASSER MOAZZAMI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100


8,707